

1 Elka Gotfryd

2 Q. Okay. So when you say the City
3 didn't respond, didn't it conduct an
4 investigation?

5 A. It did.

6 Q. Okay. And do you know who conducted
7 the investigation on the City's behalf?

8 A. Mr. -- Dr. Coverdale.

9 Q. Okay. And were you interviewed by
10 Dr. Coverdale --

11 A. I was.

12 MR. MEHNERT: Hold on. Let me
13 finish the question. I know you know what
14 I'm asking.

15 | THE WITNESS: Sorry.

16 Q. -- with regard to the investigation
17 that was being conducted into this letter and
18 whatever claims were being made therein?

19 A. Yes.

20 Q. Okay. And do you know if anyone
21 else was interviewed?

22 | A. I believe Mr. Ms. Church

23 Q. Who else was present at your
24 interview, besides yourself and Dr. Coverdale, if
25 anyone?

162

1 Elka Gotfryd

2 A. I believe Mr. Rauchet and
3 Mr. Williams were both there.

4 Q. And did Dr. Coverdale ask you
5 questions about the evaluation and your response?

6 A. Yes.

7 Q. And did you answer all of his
8 questions?

9 A. I believe so.

Q. And was there any information or follow-up information that he requested from you?

A. I don't recall.

13 Q. Okay. Assuming he made some
14 requests, would you have complied with that?

15 A. Yes.

16 Q. Was there any information that you
17 didn't tell Dr. Coverdale during the course of
18 that interview, anything you left out?

A. Certainly not intentionally.

20 Q. Okay. Was there anything that in
21 your mind he neglected to ask you about, based on
22 having written this letter?

23 Was there something that he left
24 out, in your mind?

25 A. I don't recall.

1 Elka Gotfryd

2 Q. Okay. And do you recall what the
3 outcome of the City's investigation of the
4 allegations contained in your September 21st,
5 2020 letter was?

6 A. They -- the -- the letter that was
7 given to me in response of the investigation
8 deemed my claim to be unfounded.

9 Q. Okay.

10 A. Specifically about the -- the
11 violation of -- of -- of City ordinances.

12 Q. And just so that I'm clear, that is,
13 on the first page of this document, Exhibit I,
14 you say, accordingly, I believe Ms. Church is in
15 violation of... right?

A. That's correct.

17 Q. Okay. And it's Item 65-12 of the
18 City's Work Place Violence Prevention Policy,
19 Item 34-20.A.1 of the City's Equal Opportunity
20 Employment and Anti-Harassment Policy, and
21 Item 34-4.8 of the City's Code of Ethics, those
22 are the three sections of the City code that you
23 accused Ms. Church of violating; is that right?

24 A. That is correct.

25 Q. And Dr. Coverdale concluded that

164

1 Elka Gotfryd

2 your allegations were unfounded; is that right?

3 A. That those allegations were
4 unfounded.

5 Q. Right. That's what I'm saying.

6 A. Yes.

7 Q. He deemed that the accusations that
8 Ms. Church had violated, these provisions of the
9 City code, were not founded?

10 A. Correct.

11 Q. And then the City adopted those
12 findings?

13 A. Correct.

14 Q. Okay. What is the Newburgh
15 Architectural Review Commission?

16 A. The Newburgh Architectural Review
17 Commission is a -- one of the land use boards
18 that developers or homeowners or anyone
19 submitting a plan for any sort of alteration on a
20 structure within the East End Historic District
21 in Newburgh must go through in order to receive
22 approval to do -- to complete or actually
23 initiate and complete the action they wish to do.

24 Q. Did you have interactions with this
25 commission?

1 Elka Gotfryd

2 A. Not regularly, no.

3 Q. In November of 2020, were you
4 working on some sort of grant proposal?

5 A. Yes.

6 Q. For what grant were you preparing a
7 proposal?

8 A. It was a grant for African American
9 Civil Rights history the National Park Service
10 had created, and I applied on behalf of the City
11 and a group of local organizations, in order to
12 secure \$50,000 to document African American Civil
13 Rights history in Newburgh, which would then
14 inform updated historical preservation policy in
15 Newburgh.

16 Q. And did anyone work on this grant
17 proposal with you?

18 A. Yes.

19 Q. And who did?

20 MR. MEHNERT: Hold on. Actually,
21 let me withdraw the question.

22 Q. Did anyone else from the City work
23 on it with you?

24 A. I received advice from other people
25 in the City.

1 Elka Gotfryd

2 Q. Okay. But in terms of City
3 employees, you were the one doing the drafting
4 and ultimately submitting; right?

5 A. Ultimately submitting was Helen. I
6 can't remember her last name. The grant's
7 manager. She ultimately submitted, technically,
8 the grant.

9 Q. Okay.

10 A. And Ms. Church gave me some
11 guidance.

12 Q. Okay. Did anyone outside of the
13 City's employ work on this grant proposal with
14 you?

15 A. Yes.

Q. And who was that?

17 A. A number of people. My primary
18 partners in drafting it were Dr. Ann Pfau and
19 David Hoch -- Hochfelder, Hochhelder. Ann Pfau
20 is P-F-A-U. Hochhelder -- Hochfelder is -- I
21 don't believe I could spell that for you.

$$Q. \quad H-O-C-K-F-E-L-D-E-R.$$

A. I believe it's H-O-C-H.

24 Q. Okay. And Dr. Pfau, where was she
25 affiliated?

1 Elka Gotfryd

2 A. Both of them are affiliated with the
3 University of Albany.

4 Q. Okay. And so they were assisting
5 you in putting this proposal together?

A. Yeah, they're -- yes.

Q. What were they doing to assist you?

8 A. They were assisting me with the
9 historic context.

10 Q. Okay.

11 A. And with -- specifically with the
12 context of the history of urban renewal.

13 Q. I presume that the grant proposal
14 consisted of multiple documents; is that right?

15 MR. MEHNERT: Let me ask it this
16 way.

17 MR. SUSSMAN: Object.

18 Q. The grant proposal itself, what did
19 it take the shape of?

22 A. Part of it was narrative. Part of
23 it was photographic amendment.

24 Q. Okay. And so the photographs were
25 provided by whom?

1 Elka Gotfryd

2 A. Me.

3 Q. You went around to various places
4 within the City and took the photographs?

5 A. Correct.

6 Q. Okay. And I presume --

7 A. And -- and the historical record of
8 I believe -- I believe we also included
9 photographs from the original historic district
10 nomination.

11 Q. Okay.

12 A. So those I, obviously, didn't take,
13 because it was 1985. Before I was born.

14 MR. MEHNERT: Off the record.

15 (There was a discussion held off the
16 record.)

17 Q. In working on the grant, was there
18 in, the narrative that you were preparing, was
19 there some reference to the City's Architectural
20 Review Commission being some sort of all white
21 entity?

22 A. In the final grant, what we
23 submitted?

24 Q. In any version of it.

25 A. Yes.

1 Elka Gotfryd

2 Q. And so what was the context in which
3 there was a reference to the Architectural Review
4 Commission?

5 MR. SUSSMAN: Note the objection to
6 form, but you can answer.

7 What the context of that writing
8 was, I take it he's asking --

9 MR. MEHNERT: Yes.

10 MR. SUSSMAN: If you remember.

11 THE WITNESS: The -- my co-authors
12 and I were trying to frame the issue of
13 historic preservation in Newburgh as one
14 that -- we -- we felt that there was a
15 problem with the fact that there was not
16 enough representation of minority
17 communities on the Board.

18 Q. And why did you believe that that
19 was a problem?

20 A. Why did I believe there was a
21 problem that there wasn't representation --

22 Q. Yes.

23 A. -- of minority communities on the
24 board?

25 Q. Yes.

1 Elka Gotfryd

2 A. Because Newburgh is a -- the City of
3 Newburgh is majority racial minority. And
4 ideally, in a democracy, we -- for those of us
5 want the democracy to function, we like to have
6 people who represent the community in government
7 bodies.

8 Q. Okay. Did you feel that the Review
9 Commission was in some way acting in a
10 inequitable way towards these racial minorities?

11 A. Yes.

Q. And why did you feel that way?

13 MR. SUSSMAN: What about what they
14 were doing made her feel that way?

15 MR. MEHNERT: Yes. Whatever the
16 basis for her belief was.

17 MR. SUSSMAN: So what actions did
18 they take or inactions caused her to feel
19 that way.

20 MR. MEHNERT: Yes.

21 MR. SUSSMAN: Okay. Go ahead.

22 THE WITNESS: The reason why I feel
23 that way is because historic preservation
24 in Newburgh tends to prioritize the
25 preservation of the structures themselves.

1 Elka Gotfryd

2 rather than the people who live in them
3 and the communities who use them.

4 Q. Okay. And this reference to the
5 Review Commission was contained in the narrative
6 portion of this grant proposal; is that right?

7 A. Yes.

8 Q. Okay. I presume that the narrative
9 portion or the entire proposal was submitted at
10 some point to Ms. Church, for her review; is that
11 correct?

12 A. Yes.

13 Q. And when she reviewed it, did she
14 have any objection to the reference to the
15 Architectural Review Commission as an all white
16 entity?

17 A. She did have an objection to that,
18 but that was not when she reviewed the entire
19 proposal.

20 Q. Okay. So when did she review the
21 entire proposal?

22 A. I'm not sure if she reviewed the
23 entire proposal.

24 Q. Okay. So how did you become aware
25 she had an objection to this reference about the

1 Elka Gotfryd

2 Architectural Review Commission?

A. She came into my office and told me
she had an objection.

5 Q. Okay. And did you understand that
6 she had seen this reference because she had
7 reviewed it in the proposal documents at some
8 point?

9 A. No. She saw it in an e-mail that I
10 had sent her.

11 Q. Okay. And so the e-mail, did it
12 contain a similar reference, or did the e-mail
13 attach a copy of the draft?

How was it that this came up in an e-mail, as opposed to separately from the narrative grant proposal?

17 A. It came up in an e-mail because we
18 were trying to get letters of support from
19 different organizations, stakeholders,
20 politicians for the grant proposal, because we
21 believed it would strengthen our proposal.

Q. Okay.

23 A. I sent her a paragraph or two about
24 the grant, so that she could help me contact
25 specifically Congressman -- sorry -- yeah,

1 Elka Gotfryd

2 Congressman Maloney's office. And when she read
3 the e-mail that I sent her, with this blurb about
4 the grant, in that were -- was the reference that
5 we are referring to.

6 Q. Okay. And so you said that she came
7 in and spoke to you about this; is that right?

8 A. Correct.

9 Q. And what did she say, when she came
10 in to speak with you?

11 A. Something along the lines of, you
12 can't say that about the Architectural Review
13 Commission.

14 Q. And did she explain to you why?

15 A. Not in that moment.

16 Q. Okay. And what else did Ms. Church
17 say, if anything, besides, you can't say that
18 about the Architectural Review Commission?

19 A. When she came into my office?

20 Q. Yes.

21 A. I don't recall.

22 Q. What did you say in response, if
23 anything?

24 A. Something along the lines of, huh.
25 I was very surprised.

1 Elka Gotfryd

2 Q. Why were you very surprised?

3 A. I did not know to what she was
4 referring.

5 Q. Did you come to have an
6 understanding about what it was she was referring
7 to?

8 A. Eventually.

9 Q. Okay. And how did you come to have
10 that understanding?

11 A. I approached her in her office.

12 Q. And how long after it was that --
13 she comes into your office, says this to you, how
14 long of a time gap between that and then you
15 going in to speak with her about it?

16 A. It was very quick. I first reviewed
17 the e-mail that I had sent her, to see if I could
18 understand what she was referring to. And then I
19 went into her office.

20 Q. Okay. And what did you say when you
21 went into Ms. Church's office?

A. I asked for clarification.

Q. And what specifically did you say?

A. I don't recall.

25 Q. And what, if anything, did

1 Elka Gotfryd

2 Ms. Church say in response?

3 A. I believe she said that I can't
4 refer to the fact that they're all white.

5 Q. And did she explain why?

6 A. She expressed that she believed the
7 City would be opening itself up to a
8 discrimination lawsuit.

9 Q. And what, if anything, else did she
10 say?

11 A. She told me that in order to refer
12 to the racial compensation of the Board, we would
13 need to do a study to prove it.

14 Can we --

15 Q. Did she say anything else?

16 (Reporter clarification.)

17 (There was a discussion held off the
18 record.)

19 Q. Did she say anything else to you
20 during the course of that meeting?

21 And this is the one where you went
22 into her office.

23 A. I don't want to repeat myself.

24 Could you repeat to me what I've already shared.

25 Q. Sure. You indicated that Ms. Church

1 Elka Gotfryd
2 told you that you can't say that the
3 Architectural Review Commission is all white.
4 That the City would be opening itself up to a
5 lawsuit. And that they would have to do some
6 sort of a study with regard to the fact that the
7 Commission was all white.

8 A. Yes.

9 Q. So what else did she say during the
10 course of that meeting?

11 A. She told me to -- she told me she
12 needed to review all documents before and all
13 correspondences before I am to reach out to
14 people. And that I should not reach out to
15 people without her approval.

16 She also said something about how
17 with work you try and fail and try and fail until
18 you try and succeed, and how she was trying to
19 get me to the point of succeeding. So
20 insinuating that I was failing.

21 Q. And did she say anything else, that
22 you recall?

23 A. I don't recall at this time.

24 Q. Do you recall anything you said to
25 her, in response to any of these statements?

1 Elka Gotfryd

2 A. Yes.

3 Q. And what did you say to her?

4 A. At first, when she said, I need to
5 review all documents first, I said, okay, now
6 that you've seen this and now that you know that
7 I've reached out to people for this grant, as I
8 was initially directed, what would you like me to
9 do moving forward?

I am now remembering that she did
say -- she did also say -- I had said to her, you
told -- you told me, when I started writing this
grant, that I should reach out to all of these
people to receive their letters of support. And
now you're telling me otherwise. And she said,
well, I shouldn't have told you that.

Q. Okay.

18 A. So I had originally received a
19 directive to reach out to a group of stakeholders
20 whom we agreed would be good people to write
21 letters of support.

22 Q. Okay.

23 A. And so her response was, I shouldn't
24 have said that.

Q. And what else, if anything, did you

1 Elka Gotfryd

2 say during the course of this meeting?

3 A. I told her -- I asked her to stop
4 interrupting me so I could finish a sentence. I
5 continuously asked her: What would you like me
6 to do now? She continuously responded, you need
7 to run things by me. I said, I am running things
8 by you. I have specific questions right now.

9 There was an escalation. I became
10 frustrated and became quite emotional.

11 Q. When you say, became frustrated, how
12 did you come become frustrated?

13 A. What do you mean, how?

14 Q. You became frustrated with what?

15 A. Circular -- what I felt was an
16 unproductive conversation.

17 Q. Okay. And did you raise your voice
18 during the course of this meeting?

19 A. I did.

20 Q. And did Ms. Church raise her voice?

21 A. She did.

22 Q. And you say you became emotional,
23 what do you mean by that?

24 A. I eventually left her office and
25 cried.

1 Elka Gotfryd

2 Q. How long did this meeting last?

3 A. Minutes.

Q. Less than ten minutes?

5 A. Oh, yeah.

6 Q. Less than five minutes?

7 A. Possibly. Probably.

8 MR. MEHNERT: All right. I know you
9 said you wanted to take a break, so why
10 don't we take the break now, since we
11 finished with the meeting itself.

12 THE WITNESS: Perfect. Thank you
13 very much.

16 MR. MEHNERT: Can you mark this,
17 please.

18 (Defendants' Exhibit J, 12/22/2020
19 letter to Mr. Donat and Ms. Kelson, was
20 marked for identification.)

21 MR. MEHNERT: We're back on.

22 THE WITNESS: May I add to my most
23 recent response?

24 MR. MEHNERT: Sure. Go ahead.

25 | THE WITNESS: Something came to

1 Elka Gotfryd

2 mind. You had asked about what she said
3 when I entered her office, and one of the
4 other things she said was that I continue
5 to have, quote unquote, these beliefs.

6 She referred to, these beliefs. And I
7 tried to clarify what that meant. I
8 have -- I have yet to receive
9 clarification of that what meant.

10 Q. And when you say that you asked for
11 clarification, what did you say?

12 A. What do you mean? I said, what do
13 you mean?

14 Q. And did Ms. Church respond?

15 A. I believe her response was that I
16 try and fail, and try and fail.

17 Q. Okay. And did Ms. Church say
18 anything else?

19 A. I don't recall at this time.

20 Q. And do you recall anything else that
21 you said?

22 A. Not at this time.

Q. Okay. Did you understand that you
your statement about the Architectural Review
Commission might be something that offended the

1 Elka Gotfryd

2 members of the Commission?

3 A. Could --

4 MR. SUSSMAN: To be clear, the
5 statement that it's an all white
6 Commission might offend them?

7 MR. MEHNERT: Yes.

8 THE WITNESS: Can you repeat the
9 question.

10 MR. MEHNERT: Sure.

11 Q. Did you understand that your
12 statement about the Architectural Review
13 Commission might have offended the members of the
14 Commission?

15 A. At what point are you asking? Did I
16 understand at what point?

17 Q. At any point.

18 A. I have never heard from any of those
19 members that they were offended by that
20 statement, or would have been.

21 Q. Did you speak to any of the members
22 of the Commission?

23 A. Not at that time.

24 Q. Did you speak with any of them
25 subsequent to November of 2020?

1 Elka Gotfryd

2 A. I believe I had an interaction with
3 one of them, Chris Hansen, on Facebook at one
4 point.

5 Q. Did the topic of your grant proposal
6 and its contents come up?

7 A. No.

8 Q. Okay. Did you file some sort of
9 complaint with regard to this meeting that you
10 had with Ms. Church, or your interactions with
11 her around that time?

12 And that time being November or
13 December of 2020.

14 A. Yes, I filed a complaint immediately
15 after that interaction.

16 Q. Okay. I'm going to hand you a
17 document which has been marked as Defendants'
18 Exhibit J. It's a three page document. I'll
19 just ask you to take a look at it, and let me
20 know when you've had a chance to do so.

21 (Document submitted.)

22 A. Yes.

23 Q. Okay. Is this the complaint that
24 you filed?

25 A. Yes.

1 Elka Gotfryd

2 Q. Okay. And it's dated December 22nd
3 of 2020; is that right?

4 A. That's correct.

5 Q. And was this filed shortly after
6 this meeting that we've just spent a fair amount
7 of time talking about?

8 A. This was filed immediately after
9 that.

10 Q. Okay.

A. It wasn't exactly a meeting.

12 Q. Interaction.

A. More accurate, thank you, yes.

14 Q. Okay. So, when you say,

15 | immediately, was it filed on the same day or --

16 A. No.

17 Q. Okay. Would it be fair to say it
18 was very close in time --

19 A. Yes.

Q. -- to whenever that interaction was?

21 A. Yes.

Q. Okay. Great.

23 And this was also sent to Mr. Donat
24 and Ms. Kelson?

A. That is correct.

184

1 Elka Gotfryd

Q. Now, I also see some new names on
the bottom.

I see Mr. Rauchet; right?

5 He's with the CSEA?

6 A. Yes.

7 Q. Who is Rebecca Blum, B-L-U-M?

8 A. She is --

9 MR. SUSSMAN: Blum.

10 MR. MEHNERT: Sorry.

11 THE WITNESS: She's a regional --I
12 believe she's a regional -- she works at
13 the CSEA.

14 MR. MEHNERT: Okay.

15 THE WITNESS: Yeah.

16 Q. So she works for the Union itself,
17 not for the City?

18 A. Correct.

19 Q. And I also see Mayor Torrance Harvey
20 listed on here; is that right?

21 A. Correct.

Q. And the ccs, how did they receive
that; by e-mail or some other way?

24 A. I -- no, I printed out -- I believe
25 I printed this out and gave a signed copy to

1 Elka Gotfryd

2 Mr. Rauchet and Mayor Harvey.

3 Q. Okay. To your knowledge, did the
4 City respond to this letter in any way?

5 A. There was -- yes.

6 Q. And how did the City respond?

A. They led an investigation.

8 Q. And was that investigation also
9 performed by Dr. Coverdale?

10 A. It was.

11 I'm also now realizing that I had
12 answered no to the previous time you asked that
13 question.

14 Q. Okay.

15 A. And I wish to clarify, for the
16 record, that, yes, they did respond. My response
17 of no was, did they respond to the entirety of
18 the letter.

19 o. Okay.

20 A. So I just wanted to have that on the
21 record, that I didn't mean to deny that they
22 conducted an investigation last time around.

23 Q. Okay. And in connection with the
24 investigation arising out of your December 22nd,
25 2020 letter, were you interviewed?

1 Elka Gotfryd

2 A. I was.

3 Q. And was anyone, besides yourself and
4 Dr. Coverdale, present for that interview?

5 A. Yes.

6 Q. And was it Mr. Rauchet?

7 A. And Mr. Williams.

8 Q. And Mr. Williams?

9 A. Yes.

10 Q. Okay. And do you know what the
11 subject of Dr. Coverdale's investigation was?

12 A. Just going back to your previous
13 question, I recall there was a meeting when
14 either Mr. Rauchet or Mr. Williams was not able
15 to attend, and I don't recall which meeting that
16 was. Meaning --

17 Q. Could you clarify what you mean by
18 that.

19 A. Yes. There were, as you now know,
20 several meetings with Dr. Coverdale. I invited
21 both Dr. -- Mr. Rauchet and Mr. Williams to all
22 of them. And I -- I recall that one of them,
23 one of the represent- -- one of the Union
24 representatives was not in attendance.

25 Q. Okay.

1 Elka Gotfryd

2 A. And I don't recall which one that
3 was, which meeting that was.

4 Q. Okay. But at each of your various
5 interviews with Dr. Coverdale, there was some
6 Union representative who was present; is that
7 right?

8 A. Correct.

9 Q. Okay. And do you know, with regard
10 to your December 22nd letter, what was it that
11 Dr. Coverdale was investigating?

12 A. Item number two, whether Ms. Church
13 was in violation of the City's Violence
14 Prevention policy.

15 Q. Okay. And did you answer all of
16 Dr. Coverdale's questions?

17 A. To the best of my knowledge and
18 understanding, yes.

19 Q. And did he request any additional
20 information from you, that you recall?

21 A. I do not recall.

22 Q. Okay. Assuming he did so, would you
23 have provided that information?

24 A. Yes, sir.

25 Q. Okay. Was there anything you

1 Elka Gotfryd

2 elected not to tell Dr. Coverdale, for whatever
3 reason?

4 A. No, not intentionally, certainly.

5 Q. And was there anything that you felt
6 that he left out, anything he didn't inquire
7 about, anything he didn't pursue with you?

8 A. Not that I recall.

9 Q. Okay. Do you know who else was
10 interviewed in the course of that investigation?

11 A. I don't know for sure, but I assume
12 Ms. Church.

13 Q. And you were not present for any
14 other interviews; correct?

15 A. I was not.

16 Q. Okay. To your knowledge, did
17 Dr. Coverdale produce a report at the close of
18 that investigation, or at the conclusion of that
19 investigation?

20 A. Yes.

21 Q. At the time that he concluded his
22 investigation, did you see a copy of his report?

23 A. No.

24 Q. Did you subsequently see a copy of
25 that report?

1 Elka Gotfryd

2 A. A redacted copy, yes.

3 Q. Okay. And was that in response to a
4 FOIL request that you or someone on your behalf
5 filed?

6 A. Yes.

7 Q. Okay. Do you have a recollection of
8 having ever seen the unredacted version of the
9 report?

10 A. Yes.

11 Q. Okay. And was that in connection
12 with this lawsuit?

13 A. Yes.

14 Q. Okay. But going back to the time at
15 which this was going on, you did not see the
16 report; is that right?

17 A. Correct.

18 Q. Okay. Did you receive some sort of
19 communication from the City with regard to the
20 conclusion of the investigation?

21 A. Eventually.

22 Q. Okay. And what, if anything, did
23 that letter say?

A. That my allegations were unfounded.

Q. Okay. And was it your understanding

190

1 Elka Gotfryd

2 that Dr. Coverdale had concluded that the
3 allegations were unfounded?

4 A. Yes.

5 Q. And that the City had adopted his
6 findings?

7 A. Yes.

8 Q. Do you recall when you received that
9 communication, that the investigation had been
10 concluded?

11 A. I believe it was in February of
12 2021.

13 Q. Okay.

14 A. I had to request it.

15 Q. Okay. And from whom did you request
16 it?

17 A. I believe it was Ms. Diaz.

18 Q. And who Ms. Diaz?

19 A. She was the executive assistant.

20 Q. Is that Eliana Diaz?

21 A. Yes.

22 Q. And she worked for the City Manager;
23 correct?

24 A. Correct.

25 Q. And at that time, you had not heard

191

1 Elka Gotfryd

2 anything about what was going on with the
3 investigation?

4 A. About either of the investigations.

5 Q. And so that would have been the one
6 regarding your September 2020 letter, as well as
7 the December 2020 letter; correct?

8 A. Correct. I found out in a meeting
9 with Mr. Coverdale, for the second grievance,
10 that he had concluded his first investigation.

Q. Okay. And you had not received a sort of follow-up letter; is that right?

A. No, sir. That's correct.

14 Q. And after you spoke with Ms. Diaz,
15 did you subsequently receive letters regarding
16 both of these investigations?

17 A. Yes.

18 Q. Okay. And I presume you did not
19 receive them on the same day; is that correct?

A. I believe I did.

21 Q. You did?

22 A. Yes.

23 MR. MEHNERT: Off the record.

(Whereupon, there was a discussion
held off the record.)

1 Elka Gotfryd

2 Q. Who is Elizabeth Zeldin?

A. Elizabeth Zeldin works for Enterprise. It's a foundation, funding

Q. Foundation that does what?

A. They fund various municipal planning-related initiatives. Community oriented, economic development.

9 Q. Did there come a time where you had
10 some communication with Ms. Zeldin about a grant
11 that you were working on, or some project you
12 were working on?

13 A. Yes.

14 Q. And what project were you working
15 on?

16 A. Ms. Church had brought me on to a
17 group called the Anti-Displacement Learning
18 Network, ADLN, that Ms. Church -- sorry,
19 Ms. Cousins had been managing, but Ms. Cousins
20 had left.

21 Q. When you say, Ms. Cousins had left,
22 left in what way?

23 A. I don't recall if she was simply
24 working from home at the time, or if she had
25 already quit, but she was -- she may have been on

1 Elka Gotfryd

2 | FMLA leave. Some sort of leave.

3 Q. She was not at work; is it fair to
4 say?

5 A. She was not at work.

6 Q. Okay.

7 A. And I remember that she -- she quit
8 at some point in that time period.

9 Q. Okay. And what was the
10 Anti-Displacement Learning Network?

11 A. It was a -- a group of city
12 governments that had received a grant to
13 participate in a learning network that focused on
14 anti-displacement development strategies.

15 Q. Okay. And so Ms. Church brought you
16 in to replace Ms. Cousins, in terms of the
17 City's --

18 A. Representation.

19 Q. -- interaction with this learning
20 network?

21 A. Yes.

Q. Okay. And Ms. Zeldin was also a member of this group, or what was her role?

24 A. Ms. Zeldin was one of the managers
25 of the -- of the program that granted the City of

1 Elka Gotfryd

2 Newburgh, as well as the rest of the members of
3 this network.

4 Q. Okay.

5 A. So she was from the granting
6 organization.

7 Q. Okay.

8 A. I believe it's called Enterprise
9 Community Fund, or Enterprise Community
10 Foundation. I don't recall exactly.

11 Q. And how did it come to be that you
12 had some communication with Ms. Zeldin?

13 A. Ms. Zeldin had mentioned on the call
14 that she was interested in -- I believe it was
15 about social impact bonds. So it was a very
16 specific what I then believed to be quite a niche
17 concept in planning, that not many people were
18 talking about. And she had said causally on the
19 call, if any of you are interested in exploring
20 this, let me know. And I had been interested in
21 exploring that topic for quite sometime, and so I
22 had sent her a message on the Zoom chat, you
23 know, hi, I'm very interested in -- in talking
24 more about this. She said, great. Send me an
25 e-mail. And so we corresponded and setup a time

1 Elka Gotfryd

2 to talk about this, about this particular issue.

3 Q. Okay. You said that this came up
4 you were on a Zoom call with Ms. Zeldin; right?

5 A. With Ms. Zeldin and the ADLN, the
6 learning network, members of the learning
7 network. So it was a big group call.

8 Q. And was anyone else from the City on
9 that call, besides yourself?

10 A. I don't recall.

11 Q. Okay.

12 A. Probably Ms. Church.

13 Q. Okay. And when you let Ms. Zeldin
14 know that you were interested in these social
15 impact bonds, were you letting her know that you
16 were interested on the City's behalf, or that you
17 were interested on your own behalf, from a
18 learning perspective?

19 A. I did not mention the City's
20 interests.

21 Q. Okay. And what happened when the
22 two of you spoke, at whatever the designated time
23 was?

24 A. We had a conversation about it. It
25 became clear that she believed that I was

1 Elka Gotfryd
2 representing the City's interest with regards to
3 the ADLN. I clarified that this was more of a
4 you know, as the City planner I'm interested in
5 exploring these channels, but that we already
6 have a program designated for the funds that we
7 had received.

8 Q. And what happened next, in terms of
9 your conversation with Ms. Zeldin?

10 A. Nothing.

11 Q. Was that the end of the
12 conversation?

13 A. Yeah. I mean, I think we talked for
14 maybe half an hour, an hour. It was just a very
15 kind of casual conversation. And when I
16 understood that she thought that I wanted to talk
17 about this on behalf of the City's ADLN grant, I
18 just -- I wanted to make sure that she -- she
19 knew that this was coming from me specifically as
20 the City Planner, rather than me as a
21 representative of the ADLN.

22 Q. Okay. After that conversation, did
23 you bring Ms. Church up to speed on your
24 conversation?

25 A. I did.

1 Elka Gotfryd

2 Q. And when did you do that in relation
3 to the conversation?

4 A. Almost immediately.

5 Q. Okay. And what did you tell
6 Ms. Church?

7 A. I told her about the conversation,
8 and that I understood that there was a
9 miscommunication -- yeah, a miscommunication
10 about why I had reached out to Ms. Zeldin. And
11 I just wanted to make sure that she knew I had
12 spoken with Ms. Zeldin, in case Ms. Zeldin
13 brought it up to her.

14 Q. And how is it that you communicated
15 this to Ms. Church; was it in writing, was it
16 in-person?

17 A. In-person. I went into her office.

18 Q. And what, if anything, did
19 Ms. Church say in response?

20 A. She -- not much. She asked if it
21 would be helpful if she would send any e-mail,
22 just thanking Elizabeth for her time. I said,
23 yeah, that would be great. She sent an e-mail to
24 Elizabeth. Cc'ed me. Elizabeth responding,
25 saying, no problem. Sounds good.

1 Elka Gotfryd

If I recall correctly, Ally thanked her for her time and expressed to her -- expressed to Ms. Zeldin that I learned a lot from her. And she clarified again that the City had intentions for the grant funds that were not related to the conversation I had had with her.

8 Q. That was Ms. Church was relaying
9 that information?

10 A. Correct.

11 Q. Okay. The call that you had with
12 Ms. Zeldin, was there anyone else on that call,
13 besides you and she?

14 A. Yes.

Q. Who else was on that call?

A. I don't remember her name.

17 Something like Jenny. I -- something along those
18 lines.

19 Q. Do you know what her purpose was on
20 that call?

21 A. I -- I actually don't

22 Q. Do you know, was she with some
23 entity or group?

24 A. She was also with Enterprise, I
25 believe. And I think that was part of why I

1 Elka Gotfryd

2 understood that Elizabeth thought that this was
3 within the context of the grant.

4 Q. Okay.

5 A. The fact that she had invited this
6 other colleague.

7 Q. Okay. Did you, during your
8 conversation with Ms. Church, did you apologize
9 to her for having engaged in that conversation
10 with Ms. Zeldin?

11 A. I may have.

12 Q. Did you indicate to Ms. Church that
13 you may have done something that you shouldn't
14 have?

15 A. Possibly.

16 Q. Had you been told, prior to this
17 call with Ms. Zeldin, to keep Ms. Church
18 up-to-date on these kinds of communications?

19 A. What do you mean, these kinds of
20 communications?

21 Q. Communications with outside vendors
22 with whom the City is dealing about funding
23 matters.

24 A. As I had said earlier, I think I had
25 received some conflicting directives with regards

200

1 Elka Gotfryd

2 to communications.

3 Q. Had you received any directive to
4 pursue anything relating to the Anti-Displacement
5 Learning Network or the grant funds that were
6 received by the Learning Network for the City?

7 A. No.

8 Q. So you hadn't been told to reach out
9 to anybody?

10 A. No.

11 Q. You reached out to Ms. Zeldin on
12 your own?

13 A. Correct.

14 Q. After your conversation with
15 Ms. Church, did you speak with anyone else about
16 this communication you had with Ms. Zeldin?

17 A. I don't believe so.

18 Q. Were you ever questioned by anyone
19 with regard to that phone call?

20 A. Yes.

21 Q. And by whom were you questioned?

22 A. Mr. Kaufman and Ms. Kelson.

23 Q. And Mr. Kaufman is who?

24 A. Assistant Corporation Counsel.

25 Q. His first name is Jeremy; correct?

1 Elka Gotfryd

2 A. That's correct.

3 Q. Okay. And you said he and
4 Ms. Kelson?

A. He asked the questions. Ms. Kelson
was present in the room.

7 Q. Okay. And do you recall when it was
8 that you had the meeting with Mr. Kaufmann and
9 Ms. Kelson?

10 A. Early March.

Q. And what, if anything, did he --

12 A. of 2021.

13 MR. MEHNERT: Strike that.

14 Q. How did that meeting come about?

A. I was invited.

16 Q. By Mr. Kaufman?

17 A. Mr. Kaufman I believe delivered a
18 formal invitation, letter.

19 Q. Okay. Was it an invitation or was
20 it a direction to appear?

A. It was a direction to appear.

22 | Q. Okay.

23 A. I believe the word invited may have
24 appeared in it, but

25 | Q You had an understanding that you

1 Elka Gotfryd

2 were required to appear?

3 A. Yes, sir.

4 Q. Okay. And besides Mr. Kaufman and
5 Ms. Kelson, was anyone else present?

6 A. Yes.

7 Q. Who else, besides those two and
8 yourself?

9 A. One of my Union reps, if not both.

10 Q. Do you have a recollection of which
11 one it was?

12 A. I believe both of them were there.

13 Mr. Rauchet and --

14 Q. Mr. Rauchet and Mr. Williams?

15 A. -- and Mr. Williams, yes.

16 Q. Okay. And you said that Mr. Kaufman
17 was doing most of the questioning?

18 A. Correct.

19 Q. And what was it that he said at the
20 beginning of the meeting, if anything?

A. Do you know why you're here.

Q. And what did you say?

23 A. No.

Q. And what was his response?

A. I believe he started asking

1 Elka Gotfryd

2 questions.

3 Q. And do you recall what he was asking
4 questions about?

5 A. About my conversation with
6 Ms. Zeldin.

7 Q. And --

8 A. And my role on the ADLN team.

9 Q. And did you answer all of his
10 questions?

11 MR. SUSSMAN: As opposed to taking
12 the fifth. That was a joke.

13 Did you answer all his questions?

14 THE WITNESS: Yes, I did.

15 Q. Did you leave any information out?

16 A. No, not intentionally.

17 Q. Okay. Other than yourself and
18 Mr. Kaufman, did anybody else speak during the
19 course of the meeting?

20 A. Yes.

21 Q. And who else spoke?

22 A. Ms. Kelson.

23 Q. And what did Ms. Kelson say?

24 A. Ms. Kelson responded to something I
25 said.

1 Elka Gotfryd

2 Q. Okay. And what is it that
3 Ms. Kelson said?

4 A. That I made Ms. Church go an extra
5 step for me.

Q. And did you have an understanding of
what she meant by that?

8 A. Yes.

9 Q. And what did you understand that to
10 mean?

11 A. That Ms. Church had to send a brief
12 e-mail to Ms. Zeldin.

13 Q. That's the follow-up e-mail you
14 mentioned before?

15 A. That's correct.

16 Q. Sort of clarifying?

17 A. Yes.

18 Q. Okay. What, if anything, else did
19 Ms. Kelson say?

A. I don't recall.

Q. Did anyone else speak during the course of this meeting?

A Not that I recall

24 Q. Okay. And how did the meeting come
25 to an end?

1 Elka Gotfryd

A. Could you clarify the question.

3 Q. Mr. Kaufman finished his questioning
4 correct?

5 A. Yes.

6 Q. And when he was done with his
7 questions, did anything else happen?

8 A. I turned to my Union reps and said,
9 it doesn't matter what I do.

10 Q. Okay. And you said that in front of
11 Mr. Kaufman and Ms. Kelson?

12 A. I did.

13 Q. And what, if anything, did they say
14 in response?

15 | They being your Union reps.

16 A. I don't think they said anything.

17 Q. Did Ms. Kelson say anything in
18 response to that?

19 A No

20 Q. How about Mr. Kaufman?

A Not that I recall

22 Q. And did anything else happen at the
23 meeting, or did the meeting end at that point?

24 I believe the meeting ended

25 | 0 Okay Did you have any further

1 Elka Gotfryd

2 communication with Ms. Church about the
3 interaction with Ms. Zeldin --

4 A. No.

5 Q. -- after your meeting?

6 A. No.

7 Q. At some point thereafter your
8 employment with the City came to an end; is that
9 right?

10 A. Correct.

11 Q. And you were advised of that in a
12 meeting?

13 A. Correct.

14 Q. And who was present at the meeting,
15 besides yourself?

16 A. Mr. Donat and Mr. Kaufman.

17 Q. And do you recall when that meeting
18 took place?

19 A. March 9th, 2021.

20 Q. Okay. And the meeting took place
21 where?

A. In Mr. Donat's office, at City Hall.

23 Q. Okay. And when you arrived for the
24 meeting, were your Union representatives there?

25 A No.

1 Elka Gotfryd

2 Q. It was just you, Mr. Kaufman and
3 Mr. Donat?

4 A. Correct.

5 Q. And who spoke first?

6 A. I believe it was Mr. Donat.

7 Q. And what did he say?

A. He handed me a letter and said, your
employment is terminated, effective immediately.

10 Q. Did he say anything else at that
11 point?

A. Not that I recall.

Q. Did you say anything to him?

14 A. Yes.

Q. And what did you say?

16 A. I believe I said, she doesn't even
17 have the guts to be here.

18 Q. And who is the she to whom you were
19 referring?

20 A. Ms. Church.

Q. Did you say anything else?

A. Not that I recall.

23 Q. And did Mr. Donat respond to that
24 statement?

25 A. Yes.

1 Elka Gotfryd

2 Q. What did he say?

3 A. I believe he said, we are not
4 obligated to respond to that.

5 Q. Okay. Did Mr. Kaufman say anything?

6 A. Not that I recall.

7 Q. Do you recall anything else that was
8 said by Mr. Donat during the course of this
9 meeting?

10 A. No.

11 Q. After he said that he was not
12 obligated to respond, did he say anything else?

13 A. Good luck to you. You know.

14 Wrapped it up.

15 Q. Okay. And Mr. Kaufman, did he say
16 anything during the course of this relatively
17 brief meeting?

18 A. No.

19 Q. Did you say anything else, besides
20 Ms. Church didn't have the guts to be there?

21 A. Not that I recall. Possibly, are
22 you serious. I was quite surprised.

23 Q. Do you have a recollection of the
24 date on which you had this meeting with
25 Mr. Kaufman and Ms. Kelson?

1 Elka Gotfryd

2 realize any income?

3 A. No. I had a very supportive partner
4 and very supportive parents.

5 Q. Okay.

6 A. And some savings, luckily.

7 Q. Okay. In connection with this
8 lawsuit, are you seeking any damages as a result
9 of emotional distress, pain and suffering or
10 humiliation you say you suffered at the hands of
11 the Defendants?

12 A. No, sir.

13 Q. Okay. Let me show you, referring to
14 Defendants' Exhibit A, which is your Complaint.

15 (Document submitted.)

16 Q. And there is a paragraph there on
17 that page that begins wherefore; do you see that?

18 A. Uh-huh.

19 Q. You have to say, yes.

20 A. Oh. Yes. Sorry.

21 Q. You're fine. You've been very good
22 about it.

23 In that paragraph there is a
24 Section C that begins at the end of the second
25 line; do you see that?

1 Elka Gotfryd

2 A. I do.

3 Q. All right. And am I correct that in
4 there it acts the court to award compensatory
5 damages, including back and front pay and damages
6 for emotional distress, pain and suffering and
7 humiliation?

8 A. That is what it says, yes.

9 Q. Okay. But you are now no longer
10 seeking those damages?

11 A. That's correct.

12 Q. And why are you no longer seeking
13 those damages?

14 A. I believe this --

15 MR. SUSSMAN: I don't think you
16 have to really answer why she's not
17 seeking them. She's not seeking them.
18 We'll so stipulate. I don't think she has
19 to tell you why she's not.

20 MR. MEHNERT: All right. Fair
21 enough. I want to just establish --
22 because it's in the Complaint and I know
23 what the Discovery says --

24 MR. SUSSMAN: It's so stipulated.

25 MR. MEHNERT: -- I just want to be

1 Elka Gotfryd

2 clear. Okay.

3 So it's not something that you are
4 seeking?

5 MR. SUSSMAN: No.

6 MR. MEHNERT: Okay. We don't need
7 this. Okay.

8 Q. Am I correct that you are seeking
9 the reimbursement of legal fees in connection
10 with this lawsuit?

11 A. Yes, sir.

12 Q. Have you had to pay any legal fees
13 out-of-pocket to date?

14 A. Yes.

15 Q. How much?

16 A. \$2,000.

17 Q. Okay. And do you have any
18 outstanding invoices that you have not yet paid?

19 A. No.

20 Q. Okay.

21 A. Not yet, anyway.

22 Q. As we sit here today, the answer's
23 no?

24 A. The answer is no today, that's
25 correct.

244

1

2

3

4 STATE OF NEW YORK)

5 COUNTY OF _____)

6

7

8 I have read the transcript of my testimony
9 taken at the time and place noted on the
10 title page, and I acknowledge it to be true
11 and correct. Any and all corrections will
12 be put on the errata sheet included at the
13 end of this transcript.

14

15

16

Elka Gotfryd

17

18

19 Sworn or affirmed to before me this

20 _____ day of _____ 20 ____

21

22 Notary Public

23

24

25

1
2 C E R T I F I C A T I O N
3
4

5 I, Jacqueline Padilla, a Certified
6 Shorthand Reporter, Registered
7 Professional Reporter and Notary Public
8 within and for the State of New York,
9 hereby certify:

10
11 That the witness whose examination
12 is hereinbefore set forth was duly sworn
13 or affirmed by a Notary Public and that
14 the transcript of said examination is a
15 true record of the testimony given by said
16 witness; and

17
18 That I am not related to any of the
19 parties to this action by blood or
20 marriage, and I am in no way interested in
21 the outcome of this matter.

22
23
24 _____
25 Jacqueline Padilla, CSR, RPR

